

REMARKS

Claims 19-37 remain pending in this application.

Claims 19-37 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,848,373 to Delorme et al. (“DeLorme”). It is respectfully submitted that the claims 19-37 are not anticipated by DeLorme for at least the following reasons.

To anticipate a claim under § 102(b), a single prior art reference must identically disclose each and every claim element. See Lindeman Maschinenfabrik v. American Hoist and Derrick, 730 F.2d 1452, 1458 (Fed. Cir. 1984). If any claimed element is absent from a prior art reference, it cannot anticipate the claim. See Rowe v. Dror, 112 F.3d 473, 478 (Fed. Cir. 1997). Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claim invention, arranged exactly as in the claim. Lindeman, 703 F.2d 1458 (Emphasis added). Additionally, not only must each of the claim limitations be identically disclosed, an anticipatory reference must also enable a person having ordinary skill in the art to practice the claimed invention, namely the inventions of the rejected claims, as discussed above. See Akzo, N.V. v. U.S.I.T.C., 1 U.S.P.Q.2d 1241, 1245 (Fed. Cir. 1986). To the extent that the Examiner may be relying on the doctrine of inherent disclosure for the anticipation rejection, the Examiner must provide a “basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristics necessarily flow from the teachings of the applied art.” (See M.P.E.P. § 2112; emphasis in original; see also Ex parte Levy, 17 U.S.P.Q.2d 1461, 1464 (Bd. Pat. App. & Inter. 1990)).

Claim 19 recites, in relevant parts, “the location information of at least one object including locating information and description information, wherein the data packet separately contains the locating information and the description information, and includes assignment information for assigning at least a part of the locating information to at least a part of the description information.” Claims 30, 31, 33 and 36 recite substantially similar limitations as the above-recited limitations of claim 19.

In support of the rejection, the Examiner contends that DeLorme teaches “the data packet separately contains the locating information (col. 28, lines 51-53) and the description information (see col. 29, lines 16-23), and includes assignment for assigning at least a part of the locating information to at least a part of the description information (see col. 31, lines 58

to col. 32, line 1).” (Office Action, p. 3). However, this contention is clearly contradicted by the actual disclosure of the cited portions of DeLorme, as discussed in detail below.

First, to the extent the Examiner cites col. 28, l. 51-53 and col. 29, l. 16-23 of DeLorme for teaching that “the data packet separately contains the locating information and the description information,” the Examiner is relying on the description associated with Fig. 8 of DeLorme. However, Fig. 8 clearly shows that for a given data packet identified by an ID information, the location data and the “substance” data are clearly part of **the single data structure identified by the ID information**, and there is simply no need for (or any disclosure of) any **assignment information** “for assigning at least a part of the locating information to at least a part of the description information.”

Second, to the extent the Examiner contends that “assignment for assigning at least a part of the locating information to at least a part of the description information” is taught by col. 31, l. 58 - col. 32, l. 1 of DeLorme, this interpretation simply does not make sense in view of the actual disclosure of the cited section of DeLorme, which is reproduced below:

CAMLS software makes the distinction between a text message which is the appropriate type of substance for located screen sharing, and predefined cartographic symbols associated with established categories of proper place names or hotel names, etc. which are suitable candidates for geocoding. Since **geocoding and located screen sharing** are both subsumed within the larger category of **location assignment** procedures, particularly symbols associated with proper place names are typed for location assignment, in addition to being sub-typed for geocoding.

As can be seen from above, the only “assignment” mentioned in the cited section of DeLorme refers to “location assignment” (encompassing geocoding and located screen sharing), which has nothing to do with assigning the alleged “locating information” of col. 28, l. 51-53 to the alleged “description information” of col. 29, l. 16-23. The term “geocoding” in the context of the CAMLS system of DeLorme is used to characterize the computer operation of assigning a coordinate location on earth to an object, and “the location assignment task commits the location to computer memory in the appropriate database and enables the mapping function of displaying a symbol at the appropriate location on displayed maps.” (DeLorme, col. 16, l. 46-56). Accordingly, there is no reasonable basis to contend

that col. 31, l. 58 - col. 32, l. 1 of DeLorme teaches "assignment for assigning at least a part of the locating information to at least a part of the description information."

Accordingly, claims 19, 30, 31, 33 and 36, as well as their dependent claims 20-29, 32, 34, 35 and 37, are allowable over DeLorme.

CONCLUSION

In light of the foregoing, Applicants respectfully submit that all pending claims 19-37 are in condition for allowance. Prompt reconsideration and allowance of the present application are therefore earnestly solicited.

Respectfully submitted,

KENYON & KENYON LLP

 (R. No. 36,197)

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By: JONG LEE for Gerard Messina
Gerard A. Messina
Reg. No. 35,952

One Broadway
New York, NY 10004
(212) 425-7200

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